



22/13/03

1651

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: LINDA S. POWERS and CHRISTOPHER R. LLOYD

SERIAL NO.: 10 054,419

FILED: January 22, 2002

FOR: METHOD AND APPARATUS FOR DETECTING THE PRESENCE OF  
MICROBES AND DETERMINING THEIR PHYSIOLOGICAL STATUS

GROUP ART UNIT: 1651

EXAMINER: LYNDA T. GUO

RECEIVED

ELECTION OF SPECIES

FEB 19 2003

Commissioner of Patents and Trademarks  
Box Non Fee Amendment  
Washington, D.C. 20231

TECH CENTER 1600 2900

Sir:

Responsive to the Examiner's request for an election of species, mailed February 24, 2003, Applicants respond as follows:

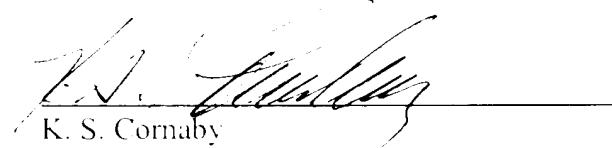
Applicants elect Invention I - Claims 1-13, 15, 17-27 of Group I drawn to a method for the detection of microbes or toxins, classified in class 435, subclass 34.

Applicants further elect Group A: Species of the target detected in the claimed method:  
(1) viable microbes, (2) non-viable microbes, or (3) toxins.

The above elections are made with traverse.

Should the Examiner require further clarification, he is requested to contact Applicants' undersigned attorney collect at (801) 521-3200.

Respectfully submitted,

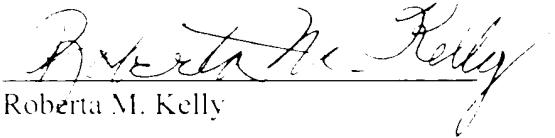


K. S. Cornaby  
Attorney for Applicant  
Jones, Waldo, Holbrook & McDonough PC  
170 South Main Street, Suite 1500  
Salt Lake City, UT 84101  
(801) 521-3200



CERTIFICATE OF SERVICE

I certify that this correspondence is being deposited with the United States Postal Service as Express Mail EV 057527616 US in an envelope addressed to Commissioner of Patents and Trademarks, Box Non Fee Amendment, Washington, D.C. 20231 on February 11<sup>th</sup>, 2003.

  
Roberta M. Kelly